

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1629**

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**Introduced by Assembly Member Bonta**  
*(Coauthors: Assembly Members Garcia, Maienschein,  
V. Manuel Pérez, Skinner, Ting, and Waldron)*

February 10, 2014

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An act to amend Sections 13951 and 13957 of the Government Code, relating to crime victims, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1629, as amended, Bonta. Crime victims: compensation: reimbursement of violence peer counseling expenses.

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award. Existing law authorizes the board to reimburse a crime victim or derivative victim for the amount of outpatient mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center, as specified.

This bill would additionally authorize the board to reimburse a crime victim or derivative victim for the amount of outpatient violence peer counseling-related expenses incurred by the victim or derivative victim, as specified. By expanding the authorization for the use of moneys in a continuously appropriated fund, this bill would make an appropriation.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 13951 of the Government Code is  
2     amended to read:  
3     13951. As used in this chapter, the following definitions shall  
4     apply:  
5     (a) “Board” means the California Victim Compensation and  
6     Government Claims Board.  
7     (b) (1) “Crime” means a crime or public offense, wherever it  
8     may take place, that would constitute a misdemeanor or a felony  
9     if the crime had been committed in California by a competent  
10    adult.  
11    (2) “Crime” includes an act of terrorism, as defined in Section  
12    2331 of Title 18 of the United States Code, committed against a  
13    resident of the state, whether or not the act occurs within the state.  
14    (c) “Derivative victim” means an individual who sustains  
15    pecuniary loss as a result of injury or death to a victim.  
16    (d) “Law enforcement” means every district attorney, municipal  
17    police department, sheriff’s department, district attorney’s office,  
18    county probation department, and social services agency, the  
19    Department of Justice, the Department of ~~Corrections~~, *Corrections*  
20    *and Rehabilitation*, the Department of the Youth Authority, the  
21    Department of the California Highway Patrol, the police  
22    department of any campus of the University of California,  
23    California State University, or community college, and every  
24    agency of the State of California expressly authorized by statute  
25    to investigate or prosecute law violators.  
26    (e) “Pecuniary loss” means an economic loss or expense  
27    resulting from an injury or death to a victim of crime that has not  
28    been and will not be reimbursed from any other source.  
29    (f) “Peer counseling” means counseling offered by a provider  
30    of mental health counseling services who has completed a  
31    specialized course in rape crisis counseling skills development,  
32    participates in continuing education in rape crisis counseling skills  
33    development, and provides rape crisis counseling within the State  
34    of California.

1 (g) “Service organization for victims of violent crime” means  
2 a nongovernmental organization that meets both of the following  
3 criteria:

4 (1) Its primary mission is to provide services to victims of  
5 violent crime.

6 (2) It provides programs or services to victims of violent crime  
7 and their families, and other programs, whether or not a similar  
8 program exists in an agency that provides additional services.

9 (h) “Victim” means an individual who sustains injury or death  
10 as a direct result of a crime as specified in subdivision (e) of  
11 Section 13955.

12 (i) “Victim center” means a victim and witness assistance center  
13 that receives funds pursuant to Section 13835.2 of the Penal Code.

14 (j) “Violence peer counseling” means counseling by a violence  
15 peer counselor for the purpose of rendering advice or assistance  
16 for victims of violent crime and their families.

17 (k) “Violence peer counselor” means a provider of formal or  
18 informal counseling services who is employed by a service  
19 organization for victims of violent crime, whether financially  
20 compensated or not, and who ~~has had at least 40 hours of~~  
21 ~~specialized training that includes, but is not limited to, applied~~  
22 ~~peace building and violence prevention strategies, practical~~  
23 ~~applications of violence prevention strategies, trauma-informed~~  
24 ~~care, post-traumatic stress disorder and vicarious trauma, victim~~  
25 ~~compensation advocacy, retaliation prevention and conflict~~  
26 ~~mediation, and case management practices.~~ *meets all of the*  
27 *following requirements:*

28 (1) *Possesses at least six months of full-time equivalent*  
29 *experience in providing peer support services acquired through*  
30 *employment, volunteer work, or as part of an internship experience.*

31 (2) *Completed a training program aimed at preparing an*  
32 *individual who was once a mental health services consumer to use*  
33 *his or her life experience with mental health treatment, combined*  
34 *with other strengths and skills, to promote the mental health*  
35 *recovery of other mental health services consumers who are in*  
36 *need of peer-based services relating to recovery as a victim of a*  
37 *violent crime.*

38 (3) *Possesses 40 hours of training on all of the following:*

39 (A) *The profound neurological, biological, psychological, and*  
40 *social effects of trauma and violence.*

1     (B) *Peace-building and violence prevention strategies, including,*  
2     *but not limited to, conflict mediation and retaliation prevention*  
3     *related to gangs and gang-related violence.*

4     (C) *Post-traumatic stress disorder and vicarious trauma,*  
5     *especially as related to gangs and gang-related violence.*

6     (D) *Case management practices, including, but not limited to,*  
7     *ethics and victim compensation advocacy.*

8     SEC. 2. Section 13957 of the Government Code, as amended  
9     by Section 2 of Chapter 147 of the Statutes of 2013, is amended  
10    to read:

11    13957. (a) The board may grant for pecuniary loss, when the  
12    board determines it will best aid the person seeking compensation,  
13    as follows:

14    (1) Subject to the limitations set forth in Section 13957.2,  
15    reimburse the amount of medical or medical-related expenses  
16    incurred by the victim, including, but not limited to, eyeglasses,  
17    hearing aids, dentures, or any prosthetic device taken, lost, or  
18    destroyed during the commission of the crime, or the use of which  
19    became necessary as a direct result of the crime.

20    (2) Subject to the limitations set forth in Section 13957.2,  
21    reimburse the amount of outpatient psychiatric, psychological, or  
22    other mental health counseling-related expenses incurred by the  
23    victim or derivative victim, including peer counseling services  
24    provided by a rape crisis center as defined by Section 13837 of  
25    the Penal Code or violence peer counseling services provided by  
26    a service organization for victims of violent crime, and including  
27    family psychiatric, psychological, or mental health counseling for  
28    the successful treatment of the victim provided to family members  
29    of the victim in the presence of the victim, whether or not the  
30    family member relationship existed at the time of the crime, that  
31    became necessary as a direct result of the crime, subject to the  
32    following conditions:

33    (A) The following persons may be reimbursed for the expense  
34    of their outpatient mental health counseling in an amount not to  
35    exceed ten thousand dollars (\$10,000):

36    (i) A victim.

37    (ii) A derivative victim who is the surviving parent, sibling,  
38    child, spouse, fiancé, or fiancée of a victim of a crime that directly  
39    resulted in the death of the victim.

1 (iii) A derivative victim, as described in paragraphs (1) to (4),  
2 inclusive, of subdivision (c) of Section 13955, who is the primary  
3 caretaker of a minor victim whose claim is not denied or reduced  
4 pursuant to Section 13956 in a total amount not to exceed ten  
5 thousand dollars (\$10,000) for not more than two derivative  
6 victims.

7 (B) The following persons may be reimbursed for the expense  
8 of their outpatient mental health counseling in an amount not to  
9 exceed five thousand dollars (\$5,000):

10 (i) A derivative victim not eligible for reimbursement pursuant  
11 to subparagraph (A), provided that mental health counseling of a  
12 derivative victim described in paragraph (5) of subdivision (c) of  
13 Section 13955, shall be reimbursed only if that counseling is  
14 necessary for the treatment of the victim.

15 (ii) A victim of a crime of unlawful sexual intercourse with a  
16 minor committed in violation of subdivision (d) of Section 261.5  
17 of the Penal Code. A derivative victim of a crime committed in  
18 violation of subdivision (d) of Section 261.5 of the Penal Code  
19 shall not be eligible for reimbursement of mental health counseling  
20 expenses.

21 (iii) A minor who suffers emotional injury as a direct result of  
22 witnessing a violent crime and who is not eligible for  
23 reimbursement of the costs of outpatient mental health counseling  
24 under any other provision of this chapter. To be eligible for  
25 reimbursement under this clause, the minor must have been in  
26 close proximity to the victim when he or she witnessed the crime.

27 (C) The board may reimburse a victim or derivative victim for  
28 outpatient mental health counseling in excess of that authorized  
29 by subparagraph (A) or (B) or for inpatient psychiatric,  
30 psychological, or other mental health counseling if the claim is  
31 based on dire or exceptional circumstances that require more  
32 extensive treatment, as approved by the board.

33 (D) Expenses for psychiatric, psychological, or other mental  
34 health counseling-related services may be reimbursed only if the  
35 services were provided by either of the following individuals:

36 (i) A person who would have been authorized to provide those  
37 services pursuant to former Article 1 (commencing with Section  
38 13959) as it read on January 1, 2002.

39 (ii) A person who is licensed by the state to provide those  
40 services, or who is properly supervised by a person who is so

1 licensed, subject to the board's approval and subject to the  
2 limitations and restrictions the board may impose.

3 (3) Reimburse the expenses of nonmedical remedial care and  
4 treatment rendered in accordance with a religious method of healing  
5 recognized by state law.

6 (4) Subject to the limitations set forth in Section 13957.5,  
7 authorize compensation equal to the loss of income or loss of  
8 support, or both, that a victim or derivative victim incurs as a direct  
9 result of the victim's or derivative victim's injury or the victim's  
10 death. If the victim or derivative victim requests that the board  
11 give priority to reimbursement of loss of income or support, the  
12 board may not pay medical expenses, or mental health counseling  
13 expenses, except upon the request of the victim or derivative victim  
14 or after determining that payment of these expenses will not  
15 decrease the funds available for payment of loss of income or  
16 support.

17 (5) Authorize a cash payment to or on behalf of the victim for  
18 job retraining or similar employment-oriented services.

19 (6) Reimburse the claimant for the expense of installing or  
20 increasing residential security, not to exceed one thousand dollars  
21 (\$1,000). Reimbursement shall be made either upon verification  
22 by law enforcement that the security measures are necessary for  
23 the personal safety of the claimant or verification by a mental  
24 health treatment provider that the security measures are necessary  
25 for the emotional well-being of the claimant. For purposes of this  
26 paragraph, a claimant is the crime victim, or, if the victim is  
27 deceased, a person who resided with the deceased at the time of  
28 the crime. Installing or increasing residential security may include,  
29 but need not be limited to, both of the following:

30 (A) Home security device or system.

31 (B) Replacing or increasing the number of locks.

32 (7) Reimburse the expense of renovating or retrofitting a  
33 victim's residence or a vehicle, or both, to make the residence, the  
34 vehicle, or both, accessible or the vehicle operational by a victim  
35 upon verification that the expense is medically necessary for a  
36 victim who is permanently disabled as a direct result of the crime,  
37 whether the disability is partial or total.

38 (8) (A) Authorize a cash payment or reimbursement not to  
39 exceed two thousand dollars (\$2,000) to a victim for expenses  
40 incurred in relocating, if the expenses are determined by law

1 enforcement to be necessary for the personal safety of the victim  
2 or by a mental health treatment provider to be necessary for the  
3 emotional well-being of the victim.

4 (B) The cash payment or reimbursement made under this  
5 paragraph shall only be awarded to one claimant per crime giving  
6 rise to the relocation. The board may authorize more than one  
7 relocation per crime if necessary for the personal safety or  
8 emotional well-being of the claimant. However, the total cash  
9 payment or reimbursement for all relocations due to the same crime  
10 shall not exceed two thousand dollars (\$2,000). For purposes of  
11 this paragraph a claimant is the crime victim, or, if the victim is  
12 deceased, a person who resided with the deceased at the time of  
13 the crime.

14 (C) The board may, under compelling circumstances, award a  
15 second cash payment or reimbursement to a victim for another  
16 crime if both of the following conditions are met:

17 (i) The crime occurs more than three years from the date of the  
18 crime giving rise to the initial relocation cash payment or  
19 reimbursement.

20 (ii) The crime does not involve the same offender.

21 (D) When a relocation payment or reimbursement is provided  
22 to a victim of sexual assault or domestic violence and the identity  
23 of the offender is known to the victim, the victim shall agree not  
24 to inform the offender of the location of the victim's new residence  
25 and not to allow the offender on the premises at any time, or shall  
26 agree to seek a restraining order against the offender.

27 (E) Notwithstanding subparagraphs (A) and (B), the board may  
28 increase the cash payment or reimbursement for expenses incurred  
29 in relocating to an amount greater than two thousand dollars  
30 (\$2,000), if the board finds this amount is appropriate due to the  
31 unusual, dire, or exceptional circumstances of a particular claim.

32 (9) When a victim dies as a result of a crime, the board may  
33 reimburse any individual who voluntarily, and without anticipation  
34 of personal gain, pays or assumes the obligation to pay any of the  
35 following expenses:

36 (A) The medical expenses incurred as a direct result of the crime  
37 in an amount not to exceed the rates or limitations established by  
38 the board.

1 (B) The funeral and burial expenses incurred as a direct result  
2 of the crime, not to exceed seven thousand five hundred dollars  
3 (\$7,500).

4 (10) When the crime occurs in a residence, the board may  
5 reimburse any individual who voluntarily, and without anticipation  
6 of personal gain, pays or assumes the obligation to pay the  
7 reasonable costs to clean the scene of the crime in an amount not  
8 to exceed one thousand dollars (\$1,000). Services reimbursed  
9 pursuant to this subdivision shall be performed by persons  
10 registered with the State Department of Public Health as trauma  
11 scene waste practitioners in accordance with Chapter 9.5  
12 (commencing with Section 118321) of Part 14 of Division 104 of  
13 the Health and Safety Code.

14 (b) The total award to or on behalf of each victim or derivative  
15 victim may not exceed thirty-five thousand dollars (\$35,000),  
16 except that this amount may be increased to seventy thousand  
17 dollars (\$70,000) if federal funds for that increase are available.